

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION (L) NO.806 OF 2019**

The Westend Gymkhana And Anr.

....Petitioners

vs

Municipal Corporation of Mumbai And 5 Ors.

...Respondents

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Mr. Vishal Kanade, a/w. Ms. Ankita Sovani, i/b. RVJ Associates, for the
Petitioners.

Ms. Pooja Yadav, for Respondent Nos. 1 to 4 – MCGM.

Mr. Himanshu B. Takke, AGP, for Respondent No.6.

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CORAM : S.C. GUPTE, J.**DATED: 13 MARCH 2019****P.C.:**

. This writ petition challenges a notice issued by the Municipal Corporation of Greater Mumbai under Section 488 of the Mumbai Municipal Corporation Act. The subject matter of controversy in the present petition *inter alia* concerns regularisation of an unauthorised structure. The Petitioners' application for regularisation has been rejected by the Municipal Corporation. Their statutory remedy of appeal under Section 47 of the Maharashtra Regional and Town Planning Act, 1966 has, however, been pending before the Appellate Authority, i.e. the State of Maharashtra through its Urban Development Minister. Though there is no express decision of the appellate authority on the Petitioners' prayer for interim relief or for stay of demolition, it is submitted by learned Counsel for the Petitioners that there was an oral

direction of the appellate authority to the Corporation not to demolish the subject structure. Learned AGP, appearing for Respondent No.6 State, submits that the hearing of the Petitioners' appeal before the appellate authority has been inconclusive as of date and that further hearing cannot be undertaken and decision passed until 24 May 2019 in view of the declaration of programme of parliamentary elections. The authority is directed to complete the hearing and take a final decision at any rate not later than 1 July 2019. The Corporation is directed not to act upon its impugned notice dated 6 February 2019 till that time. Since this order practically disposes of the Petitioners' grievance, the writ petition is disposed of in terms of the above order.

(S.C. GUPTE, J.)